

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 4-7, 12 and 13 are now present in the application. Claims 4-7 have been amended. Claims 12 and 13 have been added. Claims 1-3 and 8-11 have been cancelled. Claim 4 and 7 are independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Failure To Treat Dependent Claims On The Merits**

The Examiner in the instant Office Action did not raise any rejection against dependent claim 7. Therefore, it is believed claim 7 is allowable. By the present amendment, dependent claim 7 has been rewritten into independent form to include the subject matter of base claim 4. Accordingly, it is believed that claim 7 is in condition for allowance.

However, if the Examiner does not agree and raises new rejection(s) against claim 7 in the next Office Action, Applicants respectfully submit that the next Office Action must be made non-final because the Examiner failed to treat claim 7 on the merits in the first Office Action. Nonetheless, it is still believed that claim 7 is allowable. Favorable consideration and allowance of claim 7 are respectfully requested.

#### **Information Disclosure Citation**

The Examiner stated that the Information Disclosure Statement filed May 31, 2005 fails to comply with 37 C.F.R. §1.98(a)(2). An information disclosure statement is resubmitted

concurrently herewith. The Examiner is courteously requested to provide Applicants with an initialed copy of the PTO-1449 form filed therewith with the next official communication.

### **Drawings**

Applicants thank the Examiner for accepting the formal drawings of the instant application.

### **Specification**

The specification has been amended to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph. Applicants respectfully submit that no new matter is entered. Entry of the above amendments to the specification is earnestly solicited.

### **Claim Rejections Under 35 U.S.C. §112**

Claim 6 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

As the Examiner will note, claim 6 has been amended to address the Examiner's requested changes. Accordingly, claim 6 now complies with the enablement requirement. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, are therefore respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 101**

Claim 8 provisionally stands rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 11 of co-pending Application No. 10/536,956. This rejection is respectfully traversed.

As the Examiner will note, claim 8 has been cancelled to expedite the patent prosecution. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 101 are respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 102 & 103**

Claims 1, 2, 4, 5 and 8-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tran, U.S. Patent No. 5,228,515. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran. These rejections are respectfully traversed.

Complete discussion of the Examiner's rejections is set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, claims 1-3 and 8-11 have been cancelled, and independent claim 4 has been amended to recite a combination of elements including "each of the first and second heat exchange portions includes a plurality of corrugation plates, two adjacent corrugation plates in the corresponding air path being aligned in an air flow direction in the corresponding air path and being spaced apart from each other with an interval along the air flow direction in the corresponding air path, the

interval being larger than a height of the corresponding air path.” Support for the above combination of elements can be found in FIG. 8 as originally filed. Applicants respectfully submit that the combination of elements as set forth in amended independent claim 4 is not disclosed or suggested by the reference relied on by the Examiner.

Tran discloses a plurality of shell members 24A and 24B, each of which includes a plurality of embossments 32A, 32B and 34 (see FIGs. 3-5.) As shown in FIGs. 5 of Tran, two air paths A and B are formed by the shell members 24A and 24B and the embossments 32A, 32B and 34 in the air paths A and B function as the heat exchange members. However, the heat exchange members 32A, 32B and 34 are simply embossments embedded in the shell members 24A and 24B, not “corrugation plates” as recited in amended claim 4.

Since Tran fails to teach any corrugation plates located in the air paths A and B, Trans also fails to teach “two adjacent corrugation plates in the corresponding air path being aligned in an air flow direction in the corresponding air path and being spaced apart from each other with an interval along the air flow direction in the corresponding air path, the interval being larger than a height of the corresponding air path” as recited in amended claim 4.

Since Tran fails to teach each and every limitation of amended independent claim 4, Applicants respectfully submit that amended independent claim 4 is not anticipated by Tran.

In addition, claim 5 depends from independent claim 4, and are therefore allowable based on its dependence from amended independent claim 4, which is believed to be allowable.

In view of the above amendments and remarks, Applicants respectfully submit that claims 4 and 5 clearly define the present invention over the reference relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **Additional Claims**

Additional claims 12 and 13 have been added for the Examiner's consideration. Support for the above combination of elements can be found in FIG. 8 as originally filed.

Applicants respectfully submit that claims 12 and 13 are allowable due to their respective dependence on independent claim 4, as well as due to the additional recitations included in these claims.

Favorable consideration and allowance of additional claims 12 and 13 are respectfully requested.

### **Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

**CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

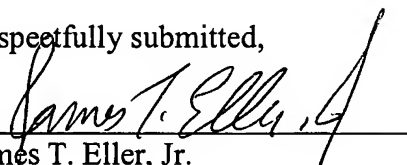
In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By



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